upa

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO.2343 OF 2005

Anil G. Shah).. Plaintiff

Versus

Gulam Mohammad H.Kazi and another).. Defendants

Mr.Ramesh Jain for the Plaintiff.

None present for the Defendants.

CORAM : SMT. NISHITA MHATRE, J.

DATED : 20TH MARCH 2006

P.C.:

. The Suit claim is based on the Bill of Exchange dated 1st February 2002 amount to Rs.1,80,000/- executed by Defendant No.1 and accepted by Defendant No.2. This Bill of Exchange was dishonoured. However, thereafter the Defendants made part payment of Rs.47,500/- towards the debt. According to the Plaintiff, an amount of Rs.1,24,500/- is yet to be paid as the balance amount from the principal. Apart from this, the Plaintiff has claimed an interest at the rate of 18% per annum.

2. The Bill of Exchange is produced on record as also the notice sent on behalf of the Plaintiff calling upon the Defendants to repay the amount.

3. The writ of summons has been served on the Defendants. However, there is no reply filed by the Defendants.

4. The documents filed on record by the Plaintiff support the case of the Plaintiff made out in the Plaint. There is no defence to the claim made by the Plaintiff.

5. In view of this, the Suit is decreed as prayed for.

6. Refund as per Rules.